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THE MANAGEMENT ASSOCIATION,
INC., dba THE MANAGEMENT TRUST

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RIVA ON THE RIVER HOMEOWNERS'
ASSOCIATION on behalf of itself and all
others similarly situated,

Plaintiff,

v.

THE MANAGEMENT ASSOCIATION,
INC. dba THE MANAGEMENT TRUST, a
California Corporation,

Defendant.

No. 2:24-cv-02782-CSK

**STIPULATION AND MODIFIED
~~PROPOSED~~ ORDER EXTENDING
SCHEDULING ORDER DATES**

Hon. Chi Soo Kim

Action Filed: October 9, 2024

Pursuant to Rule 6(b) and 16(b)(4) of the Federal Rules of Civil Procedure, as well as L.R. 143, and 144 of the E.D. Cal. Local Rules, Plaintiff, RIVA ON THE RIVER HOMEOWNERS ASSOCIATION (“RIVA”), and Defendant, THE MANAGEMENT ASSOCIATION, INC. dba THE MANAGEMENT TRUST (“TMT”), jointly stipulate to extend the dates in the Court’s Pretrial Scheduling Order (Dkt. 19) for 120 days to allow time for the parties to conduct sufficient discovery prior to the briefing relating to Plaintiff’s motion for class certification, and the parties seek entry of the same by the Court as set forth below:

1. Under Rule 6(b)(1)(A), the Court may extend deadlines for good cause. Fed. R. Civ. P. 6(b)(1)(A). Per L.R. 144(d), “[c]ounsel shall seek to obtain a necessary extension from the Court or from other counsel or parties in an action as soon as the need for an extension becomes apparent.” Rule 16(b)(4) states that, “[a] schedule may be modified only for good cause and with the judge’s consent.” “Good cause” under Rule 16(b) “primarily considers the diligence of the party seeking the amendment.” *Pizana v. SanMedica Int’l LLC*, 345 F.R.D. 469, 477 (E.D. Cal. 2022) (quoting *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)).

To demonstrate diligence under Rule 16’s “good cause” standard, the movant may be required to show the following: (1) that she was diligent in assisting the Court in creating a workable Rule 16 order; (2) that her noncompliance with a Rule 16 deadline occurred or will occur, notwithstanding her diligent efforts to comply, because of the development of matters which could not have been reasonably foreseen or anticipated at the time of the Rule 16 scheduling conference; and (3) that she was diligent in seeking amendment of the Rule 16 order, once it became apparent that she could not comply with the order.

Id. at 478 (citations omitted).

2. The parties were diligent in assisting the Court to create the current pretrial schedule.

3. The parties have also been diligently attempting to comply with the Court’s Pretrial Scheduling order by conducting discovery in this case. The parties have each served, and responded to written discovery requests. On May 7, 2025, RIVA produced 114 documents (approximately 5,350 pages total). On June 12, 2025, TMT produced twelve documents

1 (approximately 78 pages total), and has approximately 6,000 documents (approximately 39,491
2 pages total) that has been processed for production by its E-Discovery vendor which will be
3 produced this week. TMT had some insurance and technical related issues that delayed
4 commencement of its production. These issues have been resolved, thus its document production
5 should now be able to proceed. Thus far, six depositions have been noticed for later this month,
6 and two third party subpoenas have been issued.

7 4. RIVA has been waiting to notice depositions, in particular those under Rule
8 30(b)(6), until it received documents from TMT to inform the topics, as well as the specific
9 deponents for Rule 30(b)(1) depositions. In light of the recent and anticipated document
10 productions, RIVA recently noticed one deposition for late July and anticipates noticing
11 additional depositions for later in August upon review of documents produced by TMT.

12 5. Notwithstanding the parties' diligence in pursuing discovery, because of the later
13 start of document production, the current September 5, 2025 deadline for RIVA's class
14 certification motion does not allow sufficient time for RIVA to receive documents responsive to
15 its requests, review and analyze those documents, conduct depositions based on information in
16 those documents, and assimilate this information sufficiently for its class certification motion.

17 6. The delays caused by problems with the document production could not have been
18 reasonable foreseen or anticipated at the time of the January 28, 2025, scheduling conference
19 before the Court. In particular, TMT experienced insurance-related difficulties and delays in
20 retaining its E-Discovery vendor which were not resolved until the end of May 2025. As such,
21 TMT was unable to meet with, and upload ESI to the E-Discovery vendor until June 2025, a
22 process that is still ongoing, but expected to be completed by the end of July 2025.-

23 7. The parties have been diligent in seeking this modification. Under the operative
24 schedule, fact discovery is ongoing and RIVA's deadline to file its motion for class certification
25 is September 5, 2025. Dkt. 19 at 5:22-25, 12:4-8. Trial is not set to begin until January 25, 2027.
26 Dkt. 19 at 11:15-19, 12:22. Thus, the parties are seeking this extension as soon as the need has
27 become apparent.

8. This is the parties' first request for an extension of the deadlines in the Court's Pretrial Scheduling Order.

9. The parties are not stipulating to, and requesting the Court's approval of, this 120-day continuance and extension of deadlines for purposes of delay, but rather so that justice may be done.

10. Below is a table showing the stipulated deadline extensions:

Event	Current Deadline	Proposed Deadline
Motion for Class Certification	September 5, 2025	January 12, 2026
Joint Mid-Discovery and Mediation Status Report	October 15, 2025	February 12, 2026
Opposition to Motion for Class Certification	December 8, 2025	April 7, 2026
Reply to Motion for Class Certification	February 6, 2026	June 8, 2026
Hearing on Motion for Class Certification	March 3, 2026	June 30, 2026
Expert Disclosures	April 21, 2026	August 19, 2026
Rebuttal Expert Disclosures	May 26, 2026	September 23, 2026
Non-Expert Discovery Completion	May 5, 2026	September 2, 2026
Expert Discovery Completion	June 23, 2026	October 21, 2026
If cross-motions for summary judgment, ¹ Plaintiff's Summary Judgment Motion Filed By	June 16, 2026	October 14, 2026
If no cross-motions for summary judgment, Dispositive Motion Filed By	June 30, 2026	October 28, 2026
Dispositive Motions Heard By	August 4, 2026	December 1, 2026
Joint Pretrial Statement Filed By	21 days before the FPTC	21 days before the FPTC
Motions In Limine Filed By	14 days before the FPTC	14 days before the FPTC

¹ If both Plaintiff and Defendant intend to file motions for summary judgment, the parties must follow the schedule set out in Judge Kim's Civil Standing Orders for cross-motions for summary judgment.

Event	Current Deadline	Proposed Deadline
Final Pretrial Conference ("FPTC") and Motions In Limine Hearing	December 14, 2026	April 12, 2027
Jury Trial (5-10 days)	January 25, 2027	May 24, 2027

Dated: July 16, 2025

Respectfully Submitted,

MORGAN AND MORGAN,
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By: /s/Michael F. Ram

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Attorneys for Plaintiff and the Class

Dated: July 16, 2025

Respectfully Submitted,

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~~PROPOSED~~ MODIFIED ORDER

Finding good cause, the Court will grant the Parties' request to modify the Court's
 1/30/2025 Pretrial Scheduling Order (ECF No. 19) as follows:

Event	Current Deadline	New Deadline
Motion for Class Certification	September 5, 2025	January 12, 2026
Joint Mid-Discovery and Mediation Status Report	October 15, 2025	February 12, 2026
Opposition to Motion for Class Certification	December 8, 2025	April 7, 2026
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Final Pretrial Conference ("FPTC") and Motions In Limine Hearing	December 14, 2026	April 12, 2027
Jury Trial (5-10 days)	January 25, 2027	May 24, 2027

Dated: July 16, 2025

Hon. Chi Soo Kim
United States Magistrate Judge

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² If both Plaintiff and Defendant intend to file motions for summary judgment, the parties must follow the schedule set out in Judge Kim's Civil Standing Orders for cross-motions for summary judgment.